S.B.CIVIL WRIT PETITION NO. 2658/2007
Harphool Singh & Ors. Vs. State of Rajasthan & Ors.

DATE OF ORDER :: 7.8.2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. V.K. Aggarwal, for the petitioners.

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On 12.5.2005 in a meeting held under the Chairmanship of the Ministry for Department of Irrigation regarding correction of size and levels of Outlets (Moghas) in Gang, Bhakra and Indira Gandhi Nahar Project up to RD 1254, certain decisions were taken including that, "In Gang/Bhakra Canal System where the lining of canal contracts have either been awarded or lining work is in progress the outlets should be corrected taking the water allowance as 3.00 cusecs per 1000 acres and for remaining areas with existing water allowance as 2.56 (in Gang) and 2.40 (Bhakra)."

The grievance of the petitioners is that the respondents without any just and valid reason are not implementing the decision referred above with regard to Chak 1'O', Tehsil-Karanpur. It is stated that before approaching this Court a representation was also submitted by the petitioners, copy whereof is available on record as Annexure-9. It is asserted that the lining work was earlier done but because of certain

errors on the part of the executing agency that stood broken but the respondents are treating the petitioner liable for that and on that count execution of condition No.3 is not made. It is also pointed out that in an investigation made as a consequent to FIR No.12/2007, Police Station-Kesarisinghpur the fact about no part of agriculturist in breaking the outlets was found true.

Be that as it may, I consider it appropriate to direct the respondents No.2 and 3 to decide the issue with regard to execution of condition No.3 referred above within a period of one month from the date the petitioners serves a copy of this order along with a copy of the writ petition upon respondent No.3. The respondents No. 2 and 3 are further directed to consider all the contentions raised in this petition for writ while taking a decision in execution of condition No.3 referred above.

The petition for writ is accordingly disposed of.

(GOVIND MATHUR),J.

jgoyal